



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/665,834	09/19/2003	Bjorn Bjare	P17551-US2	6032								
27045 ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024	7590 04/08/2008		<div>EXAMINER</div> <div>VU, TUAN A</div> <table border="1"><thead><tr><th>ART UNIT</th><th>PAPER NUMBER</th></tr></thead><tbody><tr><td>2193</td><td></td></tr></tbody></table> <table border="1"><thead><tr><th>MAIL DATE</th><th>DELIVERY MODE</th></tr></thead><tbody><tr><td>04/08/2008</td><td>PAPER</td></tr></tbody></table>		ART UNIT	PAPER NUMBER	2193		MAIL DATE	DELIVERY MODE	04/08/2008	PAPER
ART UNIT	PAPER NUMBER											
2193												
MAIL DATE	DELIVERY MODE											
04/08/2008	PAPER											

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/665,834

**Applicant(s)**

BJARE ET AL.

**Examiner**

Tuan A. Vu

**Art Unit**

2193

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 23-44.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Tuan A Vu/  
Primary Examiner, Art Unit 2193

Continuation of 3. NOTE: The amendment as proposed after Final entails subject matter that requires consideration and possible change in the grounds of rejection, hence will not facilitate effect of a potential Appeal, thus not entered. Applicant's request that a NF would be more appropriate, but this cannot be honored since the amendments as per 10/31/07 were such that a total set of claims overriding on any prior claims set cannot be treated as commensurate with that of the originally claimed subject matter. Had Applicants maintained some of claims 1-22 there would have been no new grounds of rejection w/r to the unchanging portions thereof; which was not the case here. Regarding Applicant's disagreement with Kuhn's alleged (by Examiner action) support of mobile terminal domain via for example GARF -- Kuhn's interface functionality does not contain instruction loaded and stored within the processor of the mobile for execution by that processor -- it is noted that there is no compelling utility recited in the claim that would preclude Kuhn's mobile functionality from operating with multiple domains across the network; and mere execution of plug-ins as in Kuhn's by itself entails code being stored and loaded for execution, unless the claim provides details dictating that a more particular storage and executing engine is used to clearly disqualify the above plug-in execution environment by Kuhn. Arguing that unlike the invention, Kuhn's code functions not within the mobile but spread out among devices and network is deemed clear convincing grounds that put forth distinction between the content underlying the claim language and Kuhn's mobile plugins, e.g. in compliance with CFR 1.111(b) prima facie: that is, the fact that Kuhn's mobile functionality can be cooperatively applicable across devices cannot be precluded by the mere teaching from the claim language (e.g. claim 23, 32), in which any limitation (e.g. platform specific or native code designed for one specific application - whereas plug-ins in general cannot be construed as platform specific executable) that would effectively dictate that Kuhn's mobile functionality cannot be propagated beyond the console of said mobile is considered non-existent. As recited, claims 22-44 remain rejected mostly because the rebut from Applicants amount to mere allegation that seems not commensurate with the broad scope of the claim language (e.g. claim 32: plug-in software ... instructions adapted to be loaded ... executed ... for modifying ... services of the mobile ... platform), allegation that seems to fetch information from outside the very context of such broad language. The claims are not in condition for allowance, and the proposed changes will not entered, the arguments largely insufficient to overcome the state of the prosecution